

## DEPARTMENT OF TRANSPORTATION

Research and Special Program  
Administration

## 49 CFR Parts 172 and 174

[Docket HM-180 Advance Notice]

## Placarding of Empty Tank Cars

**AGENCY:** Materials Transportation Bureau (MTB) Research and Special Programs Administration, DOT.**ACTION:** Advance notice of proposed rulemaking.**SUMMARY:** The MTB is publishing this Advance notice of proposed rulemaking to request comments on a petition for rulemaking submitted by the International Association of Fire Chiefs for removal of requirements for display of EMPTY placards on tank cars. The petition is quoted for comment.**DATE:** Comments must be received by October 20, 1981.**ADDRESS:** Comments must be addressed to the Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted, if possible, in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 7th Street, S.W., Washington, D.C. Office hours are 8:30 a.m. to 5:00 p.m., Monday thru Friday. Telephone (202) 426-3148.**FOR FURTHER INFORMATION CONTACT:**

Lee E. Metcalfe, Regulations Development Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, DC 20590, (202) 426-0656.

**SUPPLEMENTARY INFORMATION:** MTB requests comments from interested persons concerning a petition to eliminate the requirement for display of EMPTY placards on tank cars. The petition is quoted as follows:**Petition for Rulemaking**

Pursuant to the procedures specified in Part 106 of your regulations, the International Association of Fire Chiefs (IAFC) hereby petitions for removal of all references to EMPTY placards set forth in Title 49, Code of Federal Regulations, Parts 172 and 174.

Your regulations presently require that an EMPTY placard be displayed on a tank car that has been emptied but not cleaned and purged of all hazardous residues. This means that a significant quantity of a hazardous material may remain in a tank car while the placards displayed on the car indicated that it is empty. An EMPTY placard (or sign) may be useful to emergency personnel in making assessments in how to deal with accidents if

the tank car bearing such a message is truly empty (cleaned and purged). However, THE PRESENT SYSTEM IS MISLEADING AND DANGEROUS and should be terminated.

We believe that many qualified experts will agree that, in many instances, a nearly empty tank car presents a potentially greater danger than a filled car. If the Federal Railroad Administration were to conduct a full-scale fire test on a 32,000-gallon propane car which is empty according to the law but full of propane vapor and possible a few gallons of liquefied propane, what would be the result? If a car similarly containing chlorine were breached in an accident, what would be the result? Keep in mind the cars just described would be placarded EMPTY during their transportation.

We recognize that placards are used by the railroad industry to comply with the car placement and other handling requirements of your regulations. However, we maintain that the system could be modified to accomplish those objectives and still provide for proper communication of the risks presented by the hazardous material in tank cars. For example, the words on shipping papers now reading "EMPTY Last contained \* \* \*" could be changed to read "NEAR EMPTY" in recognition of the need for brevity in the entries on shipping documents. Some other indication on the placard could also be developed which would not give the false impression that the EMPTY one does.

An additional argument is our contention that the placarding system should be consistent. Tank trucks must remain placarded when empty unless cleaned and purged of all hazardous material residue or reloaded with a nonhazardous material, while rail tank cars can use the EMPTY placard with residue and vapors present. It is difficult for us to have an effective and comprehensive training program for hundreds of thousands of firefighters when major inconsistencies, such as demonstrated in this petition, are permitted by your agency to exist.

Based on its evaluation of the comments received in response to this advance notice, MTB may issue a Notice of Proposed Rulemaking proposing to delete or modify the requirements for display of EMPTY placards.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(4) of App. A to Part 106)

**Note.**—The Materials Transportation Bureau has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 and DOT implementing procedure (44 FR 11034), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et. seq.)

Issued in Washington, D.C. on July 14, 1981.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

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